

SUGGESTED EXEMPTION LANGUAGE TO S. 782

FIRST PREFERENCE:

This Act shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, or any other agency, or to any office, bureau, or entity within an agency, performing primarily intelligence, investigative, or security functions if the head of the agency determines that the provisions of this Act cannot be applied in a manner consistent with national security requirements and considerations.

SECOND PREFERENCE:

Page 19, following line 19, insert a new paragraph:

"8. Subsection 1(k) and Sections 4 and 5 of this Act shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, or to any other agency, or to any office, bureau, or entity within an agency, performing primarily intelligence,

investigative, or security functions, or to persons employed by, or detailed to, or applicants for employment with, such agencies, if the head of the agency determines that the above-specified provisions of this Act cannot be applied in a manner consistent with national security requirements and considerations: Provided, however, That nothing contained in this Section shall be construed to prohibit an employee of any agency contemplated by this Section, who is under investigation for misconduct, from having present during interrogation which could lead to disciplinary action, or seeking advice and counsel of, a fellow employee of his choice from such agency: Provided further, however, That nothing contained in this Section shall be construed to prevent an employee of or applicant to any agency contemplated by this Section claiming to be affected or aggrieved by any violation or threatened violation of this Act from filing a written complaint with the Board on Employees' Rights: Provided further, however, That such complaint may be filed only after all procedures for adjudicating such complaints within the agency concerned have been exhausted and a final action taken by the head of the agency concerned, that is determined by the employee or applicant to be adverse: And Provided further, That nothing in this Act shall

affect or modify the authority of the Director of Central Intelligence as set forth in Section 102(c) of the National Security Act of 1947, as amended, or the authorities set forth in Subchapter III of Title 50 of the U.S. Code (P.L. 88-290)."

(NOTE: Attention is called to the fact that the exemption from Sections 4 and 5 of the bill contemplated in each of the foregoing suggested amendments merely means that an aggrieved employee shall not have immediate access to the U.S. district court--it in no way interferes with his normal access to such court after exhausting administrative remedies.)

Strategy -- S. 782

Possible course of action to implement Agency position with respect to S. 782: A

1. Executive Branch

a. Apparently as late as 12 June (last Friday) BOB was (1) unaware that the Ervin bill had passed the Senate and (2) had not received any reports from the Executive Branch for transmittal to the Congress. Should someone contact Civil Service Commission and top echelons BOB such as Roger Jones to galvanize some action?

b. Previously the Director has sent letter he wrote to the President to Secretary of State and Secretary of Defense and has sent these Secretaries other material. Should he at minimum refresh their memory by submitting this material once again and also as courtesy send them his position on S. 782 which endorses such exemptions for the intelligence community as may be requested with specific reference to NSA, which is under the command responsibility of the Secretary of Defense?

c. Contact Timmons of the White House and consider possibility of another letter to the President to lay the groundwork for a possible veto and enlist White House support.

2. Congress

a. CIA Subcommittees -- Write letter to Chairmen Rivers and Mahon as was done last Congress in connection with S. 1035. Also suggest that Rivers send to Henderson a letter along the lines he sent him last Congress on S. 1035 where he makes a strong point of the invasion of legislative jurisdiction by inhibiting the ability of the DCI to carry out his statutory responsibilities for security as spelled out in the National Security Act of 1947.

b. Contact key members of the Henderson Subcommittee including those suggested by Henderson--Gross, Hamilton and White, possibly friendly members of the full Committee, Chairman Dulski and Staff Director Charles Johnson.

c. Other--Merit of contacting other members of the Agency's Subcommittees and possibly House leadership.

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Arnold Olsen (Mont.)
Morris K. Udall (Ariz.)
Dominick V. Daniels (N. J.)
Robert N. C. Nix (Pa.)
James M. Hanley (N. Y.)
Charles H. Wilson (Calif.)
Jerome R. Waldie (Calif.)
Richard White (Texas)
William D. Ford (Mich.)
Lee H. Hamilton (Ind.)
Frank J. Brasco (N. Y.)
Robert O. Tiernan (R. I.)
Graham Purcell (Texas)

[Republicans]

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H. R. Gross (Iowa)
Glenn Cunningham (Neb.)
Edward J. Derwinski (Ill.)
Albert W. Johnson (Pa.)
Daniel E. Button (N. Y.)
William L. Scott (Va.)
James A. McClure (Idaho)
Thomas J. Meskill (Conn.)
Donald E. Lukens (Ohio)
Lawrence J. Hogan (Md.)

Manpower and Civil Service

[Democrats]

Henderson, Chairman
Nix
White
Hamilton
Brasco

[Republicans]

Gross
Derwinski
Lukens

House Officers

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John W. McCormack

Majority Officers

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Whip, Hale Boggs

Minority Officers

Floor Leader, Gerald R. Ford, Jr. (LAIRD)
Whip, Leslie C. Arends
Party Conference Chairman, John B. Anderson

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Central Intelligence Agency

[Democrats]

Rivers, Chairman
Philbin
Hebert
Fisher
Bennett (Fla.)

[Republicans]

Arends
O'Konski
Bray